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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,275	09/16/2003	Samuel Moreau	4572P021	3440

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,275

Applicant(s)

MOREAU ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0149972 to Knudson in view of U.S. Patent 5,657,072 to Aristides.

Regarding claim 1, Knudson discloses a user interface (figures 4,5,10) comprising:

A blending of television program choices from which a view may select (figure 4, paragraphs 46-48) TV program choice 151, VOD choice 152, user selects via FAV button), the blending representing options for linear (television choice) and non linear (VOD choice) programming presented together (figure 4) within a single hierarchy of a designated category (category is favorite channels).

Knudson fails to disclose a service provider defined blending.

Aristides discloses a service provider defined blended display (figure 2) of linear and non linear programming (column 5, lines 40-57, column 6, lines 1-33) in which a user may scroll backwards in time on a channel to select a previously broadcasted show to view, EPG information may be transmitted during off-peak times to improve response times (column 7, lines 27-58).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knudson to utilize the service provider defined blending and off peak transmission as taught by Aristides, for the advantage of enabling a user to watch previously broadcasted programming and improve response times by transmitting EPG information during off peak periods.

Regarding claim 2, Knudson discloses that the blending further includes managed content relevant to the designated category (paragraphs 46-48, a users favorite channels which carry the users favorite content are displayed).

Regarding claim 3, Knudson discloses that the designated category comprises a favorite television programming category (paragraphs 46-48).

Regarding claim 4, Knudson discloses in figure 8, that the category may include a favorite media type (paragraph 43).

Regarding claim 5, Knudson discloses in figure 4, that both the linear and non-linear programming are presented together within a single screen of the user interface.

Regarding claim 6, Knudson discloses a user interface for interactive TV (figures 4-5, 8-10, paragraphs 46-48), comprising a navigational hierarchy (figure 4) that blends linear (TV program choice 151) non linear (VOD choice 152) and information services (NASDAQ 154) in a single presentation (figure 4).

Knudson fails to disclose a service provided defined blending.

Aristides discloses a service provider defined blended display (figure 2) of linear and non linear programming (column 5, lines 40-57, column 6, lines 1-33) in which a user may scroll backwards in time on a channel to select a previously broadcasted show to view, EPG information may be transmitted during off-peak times to improve response times (column 7, lines 27-58).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knudson to utilize the service provider defined blending and off peak transmission as taught by Aristides, for the advantage of enabling a user to watch previously broadcasted programming and improve response times by transmitting EPG information during off peak periods.

Regarding claim 7, Knudson discloses that the programming choices are a set of all available programming options (paragraphs 42-43, and 46).

Regarding claim 8, Knudson discloses that the blend of programming options is presented as a subset (favorite lists) of all available program options (figures 4-5, paragraphs 48-50).

Regarding claim 9, Knudson discloses that the navigation hierarchy is presented in a single screen of information (figures 4-5).

Regarding claim 10, Knudson discloses that the blending of information services with linear and non linear programming information is done at multiple levels of content categorization (42-44, category type, media type).

Regarding claim 12, Knudson discloses that the blending may be preformed according to categories of programming (paragraphs 42-43).

Regarding claim 13, Knudson discloses that the categories comprise content categories (favorite contents, figure 4, paragraph 42-44, 48,50).

Regarding claim 14, Knudson shows in figure 4, that the blending spans content delivery types (television, VOD) and content categories (games, television, digital audio).

Regarding claim 15, Knudson discloses that categories may comprise content provider categories (figure 8, television provider category).

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0149972 to Knudson in view of U.S. Patent 5,657,072 to Aristides and U.S. Patent 6,219,839 to Sampsell.

Regarding claim 11, Knudson discloses in figure 1, that a VCR 46 is coupled to a STB 44.

The combination of Knudson and Aristides fails to disclose the use of non linear program information, which is about programs recorded on a subscriber storage unit.

Sampsell discloses a guide which displays both linear programming (ESPN), as well as non linear programming (column 4, line 66-column 5, line 10, column 7, lines 22-58), a user may select a program recorded on the VCR, watch a DVD, listen to a CD, or set their VCR to record a program, thus enabling a user to easily browse all their viewing options.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Knudson and Aristides to display recorded programming, as taught by Sampsell, for the advantage of enabling a user to easily browse all available entertainment options.

3. Claims 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005/0149972 to Knudson in view of U.S. Patent 5,657,072 to Aristides and U.S. Patent 6,177,931 to Alexander.

Regarding claim 16, Knudson discloses in figure 5, a user interface comprising a single screen having various regions thereof for displaying non-linear (movie1 video on demand) linear programming information (SHO Television) and displays managed content listings (figure 4, NASDAQ).

Knudson fails to disclose if the managed content is relevant to the linear and non-linear programming and a service provider defined blending of programs.

Aristides discloses a service provider defined blended display (figure 2) of linear and non linear programming (column 5, lines 40-57, column 6, lines 1-33) in which a user may scroll backwards in time on a channel to select a previously broadcasted show to view, EPG information may be transmitted during off-peak times to improve response times (column 7, lines 27-58).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knudson to utilize the service provider defined blending and off peak transmission as taught by Aristides, for the advantage of enabling a user to watch previously broadcasted programming and improve response times by transmitting EPG information during off peak periods.

The combination of Knudson and Aristides fails to disclose if the managed content is relevant to the linear and non-linear programming

Alexander discloses an EPG in which a user browsing the EPG may select a title within the grid, an icon indicates the availability of managed content, a user elects to display the content after which the EPG connects to an Internet website and enables a user to learn more about the program or chat about the program (column 18, lines 1-54).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Knudson and Aristides to utilize the relevancy between managed content and linear/non-linear content, as taught by Alexander, for the advantage of enabling a user to learn more about a program choice.

Regarding claim 17, Knudson shows in figure 5, that the linear and non-linear programming information are within a common content category (Favorite channels)

Regarding claim 18, Knudson discloses that the linear and non linear programming are provided to the STB 44 from a communication facility 36 (figure 1, paragraphs 33-36), thus the linear and non linear programming are within a common content provider category.

Regarding claim 19, Knudson discloses in figure 5, a user interface which displays linear and non-linear program information.

Knudson and Aristides fail to disclose the use of a scaled video presentation area.

Alexander discloses in figure 3, an electronic program guide interface in which a scaled video window (Figure 8, PIP window) displays the last tuned to program (column 13, lines 56-63) while a user browses program selections.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Knudson and Aristides to utilize the scaled window of Alexander, for the advantage of enabling a user to keep track of the progress of a program while making a program selection.

Regarding claim 20, Knudson discloses enabling a user to scroll through content offerings provided (figures 4-5, arrow buttons and highlighted cell in figure 4).

Regarding claim 21, Knudson discloses scrolling buttons in figure 4.

The combination of Knudson and Aristides does not disclose presenting video information in the scaled video presentation area being dependant upon scrolling via the navigation control.

Alexander discloses in figure 3, an electronic program guide interface in which a scaled video window (Figure 8, PIP window) displays the program in the currently highlighted cell (column 13, lines 56-63), thus increasing the ease of browsing programming choices.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Knudson and Aristides to display the currently

highlighted program choice in the scaled window, as taught by Alexander, for the advantage of increasing the ease of use while browsing programming choices.

Regarding claim 22, Knudson discloses displaying favorite channels in figure 5.

The combination of Knudson and Aristides fails to disclose a navigation control, which includes a category descriptor.

Alexander discloses in figure 8, a number of selectable buttons (gird, sort, schedule) and includes a category descriptor Movies: All, thus enabling a user to easily recognize the type of programming they are browsing.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Knudson and Aristides to utilize the category descriptor of Alexander for the advantage of making it easily recognizable for the user to determine what category of programming they are browsing.

Regarding claim 23, Knudson discloses displaying content offerings, which comprise a family of channels (figure 5). As a family is a group of related units, and figure 5, shows a list of channels, all of which are related to one another, by the virtue of being a favorite of the user, there is a familial relationship between the channels.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL



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